

**Deposition Designations for:
MARK PETERSON
June 9, 2009**

Deposition Designation Key

**Arrowood = Arrowood Indem. Co.
f/k/a Royal Indem. Co. (Light Green)**

BNSF = BNSF Railway Co. (Pink)

Certain Plan Objectors “CPO” = Government Employees Insurance Co.; Republic Insurance Co. n/k/a Starr Indemnity and Liability Co.; OneBeacon America Insurance Co.; Seaton Insurance Co.; Fireman’s Fund Insurance Co.; Allianz S.p.A. f/k/a Riunione Adriatica Di Sicurta; and Allianz SE f/k/a Allianz Aktiengesellschaft; Maryland Casualty Co.; Zurich Insurance Co.; and Zurich International (Bermuda) Ltd.; Continental Casualty Co. and Continental Insurance Co. and related subsidiaries and affiliates; Federal Insurance Co.; and AXA Belgium as successor to Royal Belge SA (Orange)

CNA = Continental Cas. Co & Continental Ins. Co. (Red)

**FFIC = Fireman Funds Ins. Co. (Green)
FFIC SC = Fireman Funds Ins. Co. “Surety Claims” (Green)**

GR = Government Employees Ins. Co.; Republic Ins. Co. n/k/a Starr Indemnity and Liability Co.

Libby = Libby Claimants (Black)

OBS = OneBeacon America Ins. Co. and Seaton Ins. Co. (Brown)

PP = Plan Proponents (Blue)

Montana = State of Montana (Magenta)

Travelers = Travelers Cas. and Surety Cos. (Purple)

UCC & BLG = Unsecured Creditors’ Committee & Bank Lenders Group (Lavender)

**AFNE = Assume Fact Not in
Evidence
AO = Attorney Objection
BE = Best Evidence
Cum. = Cumulative
Ctr = Counter Designation
Ctr-Ctr = Counter-Counter
ET = Expert Testimony
F = Foundation
408 = Violation of FRE 408
H = Hearsay
IH - Incomplete Hypothetical**

**L = Leading
LA = Legal Argument
LC = Legal Conclusion
LPK - Lacks Personal Knowledge
LO = Seeking Legal Opinion
NT = Not Testimony
Obj: = Objection
R = Relevance
S = Speculative
UP = Unfairly Prejudicial under Rule 403
V = Vague**

In Re: _____X
Chapter 11
Case No.

01-01139 JKF

W.R. Grace & Co., et al.,

Debtors. (Jointly Administered)

June 9, 2009

DEPOSITION of MARK PETERSON,
held at the Four Seasons Hotel
Westlake Village, Two Dole Drive,
Westlake, California, commencing at
approximately 7:15 A.M., on the above
date, before Lisa Lynch, a Registered
Merit Reporter, New Jersey Certified
Court Reporter, License No. XI00825,
and Certified Realtime Reporter

MAGNA LEGAL SERVICES, LLP

7 Penn Center, 8th Floor
1635 Market Street
Philadelphia, PA 19103
1.866.MAGNA.21

Page 10	Page 12
<p>1 documents as exhibits to the 2 deposition. 3 I have additional copies 4 of the documents that I handed 5 out here for people in the 6 room, although I don't know if 7 I have a copy for everyone. 8 MR. COHN: All right, 9 let's get started. Let's mark 10 this Exhibit 1. 11 (Notice of Deposition of 12 Mark A. Peterson marked for 13 identification as Peterson 14 Exhibit 1.) 15 (Errata sheet for trust 16 report marked for 17 identification as Peterson 18 Exhibit 2A.) 19 (Revised trust 20 report marked for 21 identification as Peterson 22 Exhibit 2B.) 23 (Errata sheet for the 24 estimation report marked for</p>	<p>1 morning in connection with 2 confirmation of the plan that's been 3 proposed by W.R. Grace and other 4 proponents -- 5 A. Yes. 6 Q. -- in this Chapter 11 7 case? 8 A. Excuse me. Yes. 9 MR. COHN: Let me -- I 10 need to go off the record 11 again. 12 (Off the record.) 13 MR. COHN: Let's mark 14 this Exhibit 2, please. 15 (Preliminary Expert 16 Report on W.R. Grace trust, 17 Mark A. Peterson, March 2009 18 marked for identification as 19 Peterson Exhibit 2.) 20 Q. Dr. Peterson, I hand you 21 a document that has been marked as 22 Exhibit 2 and ask whether you can 23 identify it. 24 A. Yes, I can. But</p>
Page 11	Page 13
<p>1 identification as Peterson 2 Exhibit 2C.) 3 (Full revised estimation 4 report marked for 5 identification as Peterson 6 Exhibit 2D.) 7 EXAMINATION BY 8 MR. COHN: 9 Q. Good morning, Dr. 10 Peterson. 11 A. Good morning. 12 Q. Do you recognize the 13 document that I've placed in front of 14 you marked Exhibit 1? 15 A. Yes. 16 Q. What is it? 17 MR. SPEIGHTS: Hold it a 18 minute. 19 (Off the record.) 20 A. It's the Notice of 21 Deposition for this deposition 22 directed to me. 23 Q. And do you understand 24 that you're here testifying this</p>	<p>1 actually -- pause a minute. Yes. 2 Q. What is it? 3 A. It's a copy of my 4 preliminary expert report on the W.R. 5 Grace trust that I prepared in March 6 2009. Attached to it is a copy of my 7 June 2007 expert report for 8 projecting liabilities for tort 9 liabilities of W.R. Grace as of April 10 2001. That was revised and dated 11 January 2009. It has some but not 12 all of the corrections that were 13 passed to you earlier today and both 14 of these have been marginally changed 15 by the errata that we distributed. 16 Q. Let's get to the errata 17 in a moment. 18 Can we agree -- do you need 19 another moment with the exhibit? 20 A. It has my resume 21 attached too. There may be other 22 exhibits but that's -- I think that's 23 what it is in its entirety. 24 Q. Okay. Now, for ease of</p>

<p style="text-align: right;">Page 194</p> <p>1 report, that the criteria for the</p> <p>2 trust is tighter than what Grace</p> <p>3 historically paid. Is that a fair</p> <p>4 statement?</p> <p>5 A. I believe that's true,</p> <p>6 yes.</p> <p>7 Q. And that's what I'm</p> <p>8 trying to get at. There's a term in</p> <p>9 here -- I happen to have it because I</p> <p>10 was studying for Mr. Inselbuch's</p> <p>11 deposition -- but there's a term in</p> <p>12 here about credible exposure. Do you</p> <p>13 recall that term?</p> <p>14 A. I believe --</p> <p>15 MR. FINCH: Term in the</p> <p>16 TDP?</p> <p>17 MR. SPEIGHTS: In the</p> <p>18 TDP.</p> <p>19 MR. FINCH: Okay.</p> <p>20 A. I don't recall that</p> <p>21 specific language but it sounds</p> <p>22 reasonable that that's in there.</p> <p>23 Q. But I'm looking for that</p> <p>24 particular term, but it's something</p>	<p style="text-align: right;">Page 196</p> <p>1 provide specifications of those kinds</p> <p>2 of things and other matters.</p> <p>3 Q. And that will be</p> <p>4 something created by the trustees</p> <p>5 after the trust comes into existence;</p> <p>6 is that correct?</p> <p>7 A. Yes.</p> <p>8 MR. SPEIGHTS: I'm</p> <p>9 hungry.</p> <p>10 MR. FINCH: Let's take a</p> <p>11 break. We're going to take a</p> <p>12 lunch break now for 45</p> <p>13 minutes.</p> <p>14 MR. SPEIGHTS: That's</p> <p>15 good.</p> <p>16 MR. FINCH: It's 2:19</p> <p>17 Eastern time. I don't know</p> <p>18 what time it is in California,</p> <p>19 but we'll come back a little</p> <p>20 after 3:00 Eastern time.</p> <p>21 THE WITNESS: Almost</p> <p>22 11:20.</p> <p>23 (Luncheon recess taken.)</p> <p>24 BY MR. SPEIGHTS:</p>
<p style="text-align: right;">Page 195</p> <p>1 to that particular effect and, yet, I</p> <p>2 don't understand what that means. Is</p> <p>3 this something that the trustees will</p> <p>4 later have to decide what the</p> <p>5 credible -- what a credible exposure</p> <p>6 is?</p> <p>7 A. Yes.</p> <p>8 Q. And when they decide</p> <p>9 that, if they operate typically as</p> <p>10 other trusts operate with TDPs, will</p> <p>11 they set that forth in some document</p> <p>12 or some guidelines?</p> <p>13 A. Likely so, yes.</p> <p>14 Q. So that in Manville in</p> <p>15 which you're a trustee, somewhere</p> <p>16 there Mr. Austern has some guidelines</p> <p>17 he can go to and say is this a</p> <p>18 credible exposure justifying</p> <p>19 payment?</p> <p>20 A. There are instructions</p> <p>21 that are given to the claims</p> <p>22 personnel who process claims.</p> <p>23 There's rules that are incorporated</p> <p>24 in computer programs and those</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Dr. Peterson, during</p> <p>2 your examination by Mr. Cohn you</p> <p>3 mentioned that you had some</p> <p>4 involvement with the TDP and Grace.</p> <p>5 Who did you work with on the TDP?</p> <p>6 A. Various lawyers at</p> <p>7 Caplin & Drysdale.</p> <p>8 Q. Were you involved in the</p> <p>9 TDP for Mogul?</p> <p>10 A. Yes.</p> <p>11 Q. Suppose a person was</p> <p>12 exposed to asbestos as an applicator</p> <p>13 of Monokote manufactured by W.R.</p> <p>14 Grace and Limpet manufactured by</p> <p>15 Turner & Newall, later bought by</p> <p>16 Mogul, and those were the only known</p> <p>17 exposures.</p> <p>18 Would there be any distinction</p> <p>19 in the payments received from either</p> <p>20 one of those bankruptcies because --</p> <p>21 or bankruptcy trust because Limpet is</p> <p>22 a crysolite product and Monokote is a</p> <p>23 chrysotile product?</p> <p>24 MR. FINCH: Object to</p>

<p style="text-align: right;">Page 214</p> <p>1 have in your mind?</p> <p>2 A. Just three or four.</p> <p>3 Q. Who were the</p> <p>4 participants?</p> <p>5 A. There was general</p> <p>6 counsel of Grace.</p> <p>7 Q. Mr. Shelnitz?</p> <p>8 A. Yes. Mr. Bernick. I</p> <p>9 think there was someone there from</p> <p>10 Grace. At one point I think the CEO</p> <p>11 or one of the principals attended a</p> <p>12 meeting. There were other attorneys</p> <p>13 from Kirkland & Ellis. There was</p> <p>14 several attorneys representing the</p> <p>15 SCB -- I mean the ACC. There were</p> <p>16 the attorneys for the FCR. There</p> <p>17 were -- Tom Florence and Amy Brockman</p> <p>18 from ARPC were there as experts for</p> <p>19 the debtor. Jenni Biggs, B-i-g-g-s,</p> <p>20 from Tillinghast and some of her</p> <p>21 partners were there for future</p> <p>22 representative and I was there for</p> <p>23 claimants.</p> <p>24 Q. What attorneys</p>	<p style="text-align: right;">Page 216</p> <p>1 road they were going down wasn't</p> <p>2 going right. I don't necessarily</p> <p>3 believe there was a meeting of the</p> <p>4 mind. I don't think there was an</p> <p>5 actual settlement at that meeting.</p> <p>6 It's when Mr. Inselbuch started</p> <p>7 explaining the quantitative analyses</p> <p>8 that everyone threw up their hands.</p> <p>9 MR. SPEIGHTS: Thank</p> <p>10 you, Dr. Peterson.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 MR. FINCH: Does anybody</p> <p>13 else in the room have any</p> <p>14 questions for Dr. Peterson?</p> <p>15 Okay.</p> <p>16 Does anyone on the</p> <p>17 telephone have questions for</p> <p>18 Dr. Peterson? If you could</p> <p>19 announce who you are and who</p> <p>20 you represent before you start</p> <p>21 questioning and that will help</p> <p>22 the court reporter.</p> <p>23 MR. BROWN: Nathan, this</p> <p>24 is Mike Brown. I represent</p>
<p style="text-align: right;">Page 215</p> <p>1 representing the ACC were there?</p> <p>2 A. Inselbuch was there. I</p> <p>3 don't remember whether or not Finch</p> <p>4 was there. I don't remember who else</p> <p>5 was there.</p> <p>6 Q. Were any of the asbestos</p> <p>7 PI lawyers there?</p> <p>8 A. I think at some of the</p> <p>9 meetings some were. I don't recall</p> <p>10 who. Probably Rice but I can't say</p> <p>11 for sure.</p> <p>12 Q. Was anybody representing</p> <p>13 equity at any of those meetings?</p> <p>14 A. Yes, I believe there was</p> <p>15 a representative of equity but I'm</p> <p>16 not certain of whom. Mr. Inselbuch</p> <p>17 would have much better knowledge of</p> <p>18 the participants, and there were</p> <p>19 certain meetings that I wasn't at.</p> <p>20 Q. Were you at the meeting</p> <p>21 when the participants had a meeting</p> <p>22 of the mind?</p> <p>23 A. I think I was at a</p> <p>24 meeting when they figured out the</p>	<p style="text-align: right;">Page 217</p> <p>1 Geico, Republic, Seaton and</p> <p>2 OneBeacon. I have a few</p> <p>3 questions for Dr. Peterson.</p> <p>4 MR. FINCH: Okay, fire</p> <p>5 away.</p> <p>6 MR. BROWN: Actually,</p> <p>7 could you do me a favor? Could</p> <p>8 you move, I guess, the</p> <p>9 microphone a little closer to</p> <p>10 Dr. Peterson? He was a little</p> <p>11 bit harder to hear than the</p> <p>12 questioners.</p> <p>13 THE WITNESS: I'm just</p> <p>14 soft spoken.</p> <p>15 MR. FINCH: Okay. We've</p> <p>16 switched chairs and Dr.</p> <p>17 Peterson is as close to the mic</p> <p>18 as we can get him so go ahead.</p> <p>19</p> <p>20 EXAMINATION BY</p> <p>21 MR. BROWN:</p> <p>22 Q. Good afternoon, Dr.</p> <p>23 Peterson. I guess it's afternoon in</p> <p>24 California by now.</p>

Page 226	Page 228
<p>1 opinion in this bankruptcy case with 2 respect to Grace's overall liability 3 for asbestos personal injury claims 4 for purposes of insurance coverage 5 litigation? 6 MR. FINCH: Object. 7 Form, lack of foundation. 8 MR. DEMMY: Same 9 objection. 10 A. Not so far. 11 Q. Fair enough. 12 And am I correct that so far 13 you have not provided such an 14 opinion? 15 MR. FINCH: Objection, 16 form. 17 A. Not to my 18 understanding -- but I don't know, 19 again, uses. I've not explicitly 20 done such -- made such an opinion. 21 MR. BROWN: I'm sorry. 22 Can the court reporter read 23 back that last comment by Dr. 24 Peterson?</p>	<p>1 liability for indirect PI trust 2 claims? 3 A. Not as a separate 4 matter, no. 5 Q. I think you said 6 earlier, but correct me if I'm wrong, 7 that the Grace trust will be 8 insolvent. Do I have that correct? 9 MR. FINCH: Object to 10 form. 11 A. I don't think I said 12 that explicitly. I think I said it 13 would be impaired. 14 Q. Okay. Well, let me ask 15 it then. Do you have an opinion on 16 whether the Grace trust, asbestos PI 17 trust, is insolvent? 18 MR. FINCH: Object to 19 form, lack of foundation. 20 A. Its liabilities will be 21 far in excess of its assets. 22 Q. Okay. I know someone 23 asked you a question very similar to 24 this; I'm not sure I heard the</p>
Page 227	Page 229
<p>1 (The reporter reads the 2 requested portion.) 3 MR. BROWN: Okay, all 4 right. 5 Q. Dr. Peterson, am I 6 correct that the ACC has not retained 7 you to provide an opinion regarding 8 the asbestos PI trust's liability for 9 indemnified insurer TDP claims? 10 A. That's a safe 11 assumption, yes. Not -- again, not 12 until -- not so far. 13 Q. Okay. And would your 14 answer be the same with respect to 15 insurance-related TDP claims? 16 MR. FINCH: Object to 17 form. 18 A. I don't even know what 19 that is so I've not been asked to 20 do -- to provide any opinions about 21 that so far. 22 Q. Okay. Have you been 23 asked to provide any opinions 24 regarding the asbestos PI trust's</p>	<p>1 answer. 2 What role did you play in 3 developing the TDP disease values in 4 this case? 5 MR. FINCH: Objection, 6 asked and answered. You can 7 answer it again. 8 A. I did analyses of what 9 the historic settlements were and 10 what I believe the current values of 11 the various kinds of disease claims 12 were against the trust. I made 13 alternative recommendations of 14 possible TDP values derived from 15 those analyses and probably discussed 16 that with members of the committee as 17 well as committee professionals. 18 Q. Is that pretty typical 19 of the role that you played in 20 connection with your retention in 21 other asbestos bankruptcy cases? 22 A. It's typical of one role 23 I play, yes. 24 Q. Okay. I'm not sure what</p>

Page 230

Page 232

1 the exhibit number is because I was a
2 little bit confused even after Mr.
3 Speights went through it. You have
4 an Exhibit 2 in front of you; is that
5 correct?

6 A. Just a moment. Yes.

7 Q. Is that -- I just
8 want -- is that the big, thick
9 packet? I mean, it's about
10 three-quarters of an inch or so
11 thick?

12 A. Yes. It's the thickest
13 of the exhibits.

14 Q. Okay. Is there a CV in
15 there?

16 A. Yes.

17 Q. Can you turn to the
18 CV?

19 A. Yes, it's Exhibit 1
20 which follows the -- what we've
21 called the trust report and precedes
22 the estimation report and I have
23 that.

24 Q. Okay. Can you turn

1 What's the relevance of this to
2 the Grace bankruptcy
3 confirmation hearings, Mr.
4 Brown?

5 MR. BROWN: Well, it's
6 part of the CV. That would be
7 maybe part of it.

8 A. I am providing
9 consultation and expert judgments and
10 liabilities estimates and helping
11 calculating payment percentages for
12 Mr. Brownson, the trustee, as well as
13 consulting with the FCR and the
14 one-person TAC so I talk with all
15 three parties. Formally my retention
16 is by the trust.

17 Q. Who is the TAC -- who is
18 the one-person TAC?

19 A. Well, it's Mike Polk of
20 Sieben Polk.

21 Q. Okay.

22 A. It may be Sieben Polk as
23 a whole, but Mike Polk tends to be
24 the one that's involved with it.

Page 231

Page 233

1 to -- well, let's see. Starting at
2 the bottom of page three but carrying
3 over to page four, the last bullet
4 point on page three is "Expert to 20
5 Asbestos trusts Regarding Claims,
6 Procedures and Liability Estimation".

7 A. I see that.

8 Q. And on page four the
9 last one looked to there is the API
10 trust?

11 A. Yes.

12 Q. And you were an expert
13 for the representative of future
14 claimants, otherwise known as the FCR
15 is what we typically call them?

16 A. Yes.

17 Q. And that gentleman's
18 name was Thomas Carey; is that
19 correct?

20 A. Still is.

21 Q. Still is, okay. What
22 role are you playing for the API
23 trust for the moment?

24 MR. FINCH: Objection.

1 Q. Okay. I think Ed
2 Longosz has a document that I'd like
3 you to take a look at if, you would,
4 and it's the -- it's the one marked
5 13.

6 MR. BROWN: Could you
7 hand him a copy of that? Ed,
8 did you have a chance to make
9 copies for everyone?

10 MR. LONGOSZ: I did.
11 This is a new role for me. I'm
12 discharging my duties and
13 obligations.

14 THE WITNESS: Very
15 well.

16 MR. LONGOSZ: Thank you.

17 Q. Dr. Peterson, you can
18 take a moment to review -- well, let
19 me actually make a couple of comments
20 about it first.

21 The document that you have
22 should be a two-page document. It
23 has a deposition exhibit number on it
24 which says 13 Polk in the lower

Page 234

Page 236

1 right-hand corner. It has two
2 numbers below that as well, ACC 2352,
3 and then below that A204.

4 I will represent to you that
5 the exhibit label is an exhibit label
6 from the deposition of Mr. Polk in
7 the API case, the ACC number is the
8 Bates number from the ACC in that
9 case and the A204 is the number from
10 the appendix that accompanied the a
11 cert appeal in that case.

12 But other than those markings,
13 which there's some similar markings
14 on the second page, could you
15 identify for me the document I guess
16 we're going to mark as Exhibit 6?

17 MR. BROWN: Is that what
18 we're up to?

19 MR. LONGOSZ: You want
20 this marked 6?

21 MR. BROWN: I want it
22 marked as Peterson-6.

23 (E-mail Bates stamped
24 ACC 2352 through 2353 marked

1 Q. Okay. And when you say
2 "these individuals", if you can see
3 on the top of the first page, it was
4 indicated as having been sent from
5 you to a Steven Meyer with copies to
6 a Michael Meyer, Mike Polk, Mike
7 Sieben, Thomas Carey and another copy
8 to you, correct?

9 A. Yes.

10 Q. All right. And you have
11 no reason to doubt that you sent this
12 e-mail?

13 A. Well, I just -- I
14 don't -- I don't recall this document
15 at all. The subject matter is
16 familiar to me. I don't recall the
17 particular language of this but it
18 very well might have come from me.

19 Q. Mr. Longosz is going to
20 hand you another document.

21 MR. LONGOSZ: ??

22 MR. BROWN: We'll mark
23 this one Peterson-7.

24 (E-mail chain Bates

Page 235

Page 237

1 for identification as Peterson
2 Exhibit 6.)

3 A. Is there a particular
4 part of this document you want me to
5 look at?

6 Q. You can read the whole
7 thing. The only question I have for
8 you is: Would you identify it for
9 me?

10 A. Let me look at it.
11 (The witness reviews the
12 document.)

13 A. All right, I've read
14 this. Your question is?

15 MR. FINCH: What was the
16 question?

17 Q. Can you identify it for
18 me?

19 A. I don't recall this
20 document, but it purports to come
21 from me in a time frame when I was
22 working with these individuals and I
23 have no reason to think it isn't
24 something I authored.

1 stamped ACC 2483 through 2485
2 marked for identification as
3 Exhibit 7.)

4 Q. Just so we're looking at
5 the same thing, Dr. Peterson, the
6 document you have should be a
7 three-page document with an exhibit
8 tab on the front that says 14 Polk.
9 Do you see that?

10 A. Yes, I see that.

11 Q. Okay. I actually don't
12 need you to read this entire document
13 if it will save some time. I can
14 direct your attention to page two at
15 the bottom which purports to be an
16 e-mail sent from you to Thomas Carey
17 and Steven Meyer, if you could read
18 that e-mail for me, and then I've got
19 a question or two.

20 (The witness reviews the
21 document.)

22 MR. DEMMY: Michael,
23 this is Jonathan. Could I have
24 someone from your team PDF to

Page 238

Page 240

1 me those e-mails because we
2 Obviously don't have them here?
3 I mean, I don't need them this
4 second.

5 MR. BROWN: Yes, we'll
6 PDF them to you.

7 MR. DEMMY: Thanks.

8 A. All right, I've read
9 this.

10 Q. Okay. Can you identify
11 that e-mail that begins at the bottom
12 of page two of what we've marked as
13 Peterson-7?

14 A. Well, again, it purports
15 to come from me and it has my e-mail
16 address and it's a subject matter
17 that I would have -- would have been
18 likely to discuss with these persons
19 but I don't recall it.

20 Q. You don't recall it?

21 A. No.

22 Q. Do you have any reason
23 to doubt that you sent this e-mail?

24 A. Not particularly.

1 4:43 PM, correct?

2 A. It's the last in the --
3 on the document, but yes.

4 Q. Okay. And you
5 understand the one right above that
6 from Mr. Meyer -- that's Mr. Steven
7 Meyer -- to be a response to your
8 e-mail dated August 31st, 2004 at
9 9:26 AM?

10 A. It appears to be.

11 That's what it says it is.

12 Q. Okay. And the e-mail
13 that begins on the first page you
14 noted earlier doesn't seem to have a
15 date on it but that appears to be a
16 comment from Mr. Polk, correct?

17 A. Apparently.

18 Q. And it was directed to
19 you, among others?

20 A. Yes.

21 Q. And do you recognize
22 that to be your e-mail address, at
23 least your e-mail address back in
24 2004?

Page 239

Page 241

1 Q. If you look above there,
2 you'll -- right above what I directed
3 you to on page two there's a -- well,
4 let me back up.

5 You would agree with me,
6 wouldn't you, that what we've marked
7 as Exhibit 7 is an e-mail chain?

8 A. Yes.

9 Q. Okay. And it begins
10 with your e-mail that I just referred
11 you to, correct?

12 A. Yes.

13 Q. And that's the one dated
14 Friday, August 27, 2004 at 4:43 PM?

15 A. Actually, the --
16 apparently the Mike Polk e-mail
17 doesn't have a date but it appears to
18 follow those. I'm sorry. What was
19 your observation -- you asked --
20 you're talking about the time and
21 date of the --

22 Q. Yes. The first e-mail,
23 the one which I directed you to, is
24 dated Friday, August 27th, 2004 at

1 A. It was and is.

2 Q. Okay. all right, you
3 can put that aside, Dr. Peterson.

4 I just -- I noted earlier from
5 your earlier testimony, and I want to
6 make sure I have this correct, that
7 you have had various involvement, as
8 I understand it, or engagements in
9 connection with the asbestos
10 liabilities of W.R. Grace. And let
11 me try to summarize them and then you
12 just tell me whether I have it right.

13 I understood you to testify
14 earlier that you played some role
15 back in 1998 and that thereafter you
16 were involved in the fraudulent
17 transfer litigation involving Sealed
18 Air and Fresenius in or around 2002,
19 that thereafter you were also
20 involved in the estimation trial and
21 that you are obviously involved now
22 in connection with the plan
23 confirmation proceeding. Is that
24 correct.